

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JEROME KORTE and LANA KORTE,)
)
Plaintiffs,)
)
vs.) CIVIL NO. 03-239-GPM
)
EXXONMOBIL COAL USA, INC.,)
)
Defendant.)

JUDGMENT IN A CIVIL CASE

DECISION BY COURT. This matter came before the Court on a motion by Defendant for summary judgment. *Doc. 60.* A decision having been duly rendered,

IT IS ORDERED AND ADJUDGED that pursuant to the Court's Order of November 8, 2004, Plaintiff shall take nothing on Counts II, IV, V, VI, VII, VIII, IX, and X, and said claims are **DISMISSED on the merits.** *Doc. 83.*

IT IS FURTHER ORDERED AND ADJUDGED that pursuant to the Court's Order of December 20, 2004, the claim for common law nuisance in Counts I and III is **DISMISSED with prejudice.**

DATED: 12/20/04

NORBERT G. JAWORSKI, CLERK

By: s/ Linda M. Cook
Deputy Clerk

APPROVED: s/ G. Patrick Murphy
G. PATRICK MURPHY
CHIEF U.S. DISTRICT JUDGE